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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OPPERMAN, ET AL.,

Plaintiffs,

v.

PATH, INC., ET AL., a Delaware
Corporation;

Defendant.

CASE No. 3:13-cv-00453-JST

**DECLARATION OF DAVID C. PARISI IN
FURTHER SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED [CIV. L.R. 3-12(b)]**

Hon. Jon S. Tigar

1 This document also relates to:
2 FRANCISCO ESPITIA, VANESSA
3 ZENDEJAS, and JOE A. SANCHEZ
4 FRAIRE, individually and on behalf of a
5 class of similarly situated individuals,
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7 Plaintiffs,
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9 v.
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11 HIPSTER, INC., a Delaware Corporation;
12
13 Defendant.

CASE No. 3:13-cv-00432-LB
Hon. Laurel Beeler

11 1. I am a partner with Parisi & Havens LLP, a member of the bar of the State of
12 California, and one of Plaintiffs’ counsel in *Espitia, et al. v. Hipster, Inc*, Case No. 3:13-cv-
13 00432-LB. I make this declaration based on personal knowledge. I am competent to testify to
14 the matters set forth here, and would testify if called upon to do so.

15 2. I have read the Response to the Administrative Motion to relate the *Epitia* action
16 to the *Opperman v. Path, Inc. et al.*, Case No. 13-cv-00453-JST (“*Opperman*”) and submit this
17 declaration to clear up a few matters

18 3. The Opposition seeks to bestow *Opperman* as, essentially, a de facto lead case in
19 MDL proceedings, and argues that counsel’s conduct in *Espitia* has infringed upon the
20 anointment of lead counsel’s primacy. There have been no MDL proceeding, nor lead
21 designation, and this Court has rejected leadership maneuvering at such an early stage in the
22 litigation.

23 4. The Motion to Relate the *Espitia* and *Opperman* actions had nothing whatsoever
24 to do with any leadership issues. The parties have already filed a stipulation regarding the
25 organization of plaintiffs’ counsel in the various related cases. (Dkt. No. 352.)
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1 5. By the Administrative Motion to Relate, we do not intend to take any different
2 position on leadership than we have in the past. Had Plaintiffs’ counsel in *Opperman* simply
3 called me or any of my co-counsel to ask about his, we would have stated so.

4 6. The *Opperman* Opposition further presumes that this Court has endorsed the
5 *Opperman* engulfment of all claims / all parties (to the exclusion of all other cases) without
6 having passed any challenge other than being first on file. Bigger is not necessarily better, as the
7 uncertifiability of the *Opperman* class definition so readily demonstrates.

8 7. *Espitia* was treated differently from *Gutierrez* in that the Defendant in *Espitia*
9 made no appearance in the action, and plaintiff’s counsels’ evaluation and judgment over how
10 (and whether) the case should proceed – that’s all. No subterfuge, conspiracy, or stratagems. .

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct.

13 Executed on August 20, 2013 at Sherman Oaks, California.

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s/David C. Parisi
David C. Parisi